IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1151 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AJAYKUMAR PANDEY

Versus

RITA RAI

Appearance:

1. Civil Revision Application No. 1151 of 2000

MR SN SINHA for Petitioner No. 1

MR AR MAJMUDAR for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 14/08/2001

ORAL JUDGEMENT

Rule. Mr.A.R.Majmudar, learned counsel for the respondent waives service of notice of Rule.

2. This revision has come up for admission. But at the joint request of the learned counsel appearing for the respective parties, this revision is taken up for final hearing today.

3. This revision under Sec.115 of the Code of Civil Procedure is directed against the order dated 18-9-2000 passed by the learned 6th Joint Civil Judge, Vadodara in Hindu Marriage Petition No.209 of 1994 below Ex.53 whereby the he has rejected the application submitted by the present petitioner-original opponent for production of documents.

4. Short facts are that a petition being Hindu Marriage Petition No.209 of 1994 was filed under Sec.13 of the Hindu Marriage Act by the respondent-wife in which an application Ex.53 was filed by the petitioner-husband for production of documents namely, letters written by the wife to the husband, air tickets for foreign trips arranged by the husband, visa, etc. Production of documents at late stage by the petitioner is objected by the respondent. However, said application was rejected by the learned 6th Joint Civil Judge, Vadodara vide order dated 18-9-2000 against, which, present revision has been filed.

5. Heard Mr.R.V.Dagli for Mr.S.N.Sinha, learned counsel for the petitioner and Mr.A.R.Majmudar, learned counsel for the respondent.

6. Mr.R.V.Dagli, the learned counsel for the petitioner has mainly argued that though the documents in question were in the custody of petitioner-original opponent, same were not produced. Showing copy of Ex.53, Mr.Majmudar, learned counsel for the respondent has contended that though it has been argued by the learned counsel for the petitioner, same has not been disclosed in Ex.53.

7. Facts remain that to arrive at a proper conclusion regarding the dispute between the parties finally, the documents in question are necessary to be produced. Mr.Dagli has assured this Court that if these documents will be permitted to be produced by allowing this revision, the petitioner will complete all other formalities of proving those documents, etc. within stipulated time and he will extend full co-operation to the Court.

8. I am convinced that the aforesaid documents are the necessary documents to be produced for deciding the dispute between the parties finally and for that, no support of any judgment is required. However, relying upon the judgment reported in 1994(4) S.C.C. 659., I am of the opinion that this revision is required to be allowed.

9. This Civil Revision Application is allowed. Order dated 18-9-2000 passed by the learned 6th Joint Civil Judge, Vadodara in H.M.P. No.209 of 1994 below Ex.53 is quashed and set aside. The petitioner is permitted to produce the documents as aforesaid and complete all the other formalities within one month from today irrespective of the fact that writ of this order has been received by the Court below. Parties are directed to give full co-operation to the Court below. Court below is directed to dispose of the matter finally as expeditiously as possible. Rule is made absolute accordingly with no order as to costs. D.S. is permitted.

(R.P.DHOLAKIA,J.)

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